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OF THE French Monarchy: AND Absolute Power.

And also

A TREATISE Of the Three States, AND Their POWER.

Deduced from the most Authentick Histories, for above 1200 years; and digested:

This latter,

By *Mat. Zampini de Recanati*, LL.D.

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A DISCOURSE Concerning the French MONARCHY AND ABSOLUTE POWER.

WHen the Roman Empire went to wrack, all the Provinces were drain'd, all the Inhabitants fit for Arms carried away for Recruits to support it: By these means the Provinces were left expos'd to the violence and invasion of Strangers, which gave occa-

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ſion to the many turns and changes in theſe parts of the world. Thus the Saxons or Engliſh became Maſters of *Britain*, and the French (another people of *Germany*) took that opportunity to advance beyond their borders, and puſh on their advantage till they got poſſeſſion of all the fair Territory; and the very name of Gauls was ſwallowed up by them; and henceforward *Britain* and *Gaul* began now to be called *England* and *France*.

As with us grew ſeveral diſtinctions (from our ſituation) of *Northfolk*, *Southfolk*, *Eaſtſex*, *Southſex*; ſo the French were divided into Eaſtrians and Weſtrians: The Country where the former liv'd, by ſome corruption was named *Auſtraſia*, and this other *Newſtria*; till ſuch time as the Danes growing troubleſome to their Neighbours, part of them overran *England*, and another Band of them that they called Northmans, ſubdued *France*; and after much buſtle ſeated themſelves in *Newſtria*, which from thence took the name of *Normandy*.

How long theſe French, after they were

were thus transplanted retain'd their *German* liberty, I shall not now examine; only I find some of their Authors look askue upon the Court of *Rome* on that occasion; they had complained that their Language grew Italianiz'd, their manners Italianiz'd: But when the Pope came to keep his Court at *Avignon*, new Phrases and new Forms crept also into their policy. Then came in fashion those Letters *du propre monuement, &c.* which that man of Morals, *Monsieur Pirach* could so ill digest.

Ie hay les mots de puissance absolüe,
De plain pouuoir, de propre mouuement;
Aux Saints decrets ils ont premierement,
Puis a nos loix la puissance tollüe.

The Pope first employed them to *render the Laws of* the *Church of no effect.*

Their Champions for *Absolute Power* acknowledge, that the King is tyed to forms; that his Commands will not move but in the proper Channel; that the Kings letters have not any force or vertue unless they be undersign'd by a Secretary

of State; nor his Letters Patents, unleſs they be ſo ſign'd; and then ſealed by the Chancellor, who has it in his power to cancel them, & who ſeals them not without the advice of one or two Maſters of the Requeſts aſſiſting at the Seal; & who is, as it were, a ſevere Controuler of the Kings orders, edicts, wills, commands, & grants.

Baracane *defence de la Monarchy, Fr. p.* 409.

But ſay they — ni du Pape meſme n'ont aucune vertu ſi elles ne ſont ſignees par le greffier, Secretaire, ou dataire ſeelées par le ſeelleur, Gardeſaux ou Chancellier, quoy pour cela? C'eſt ordre a eſté ſagement eſtabli par tous les Princes & ſeigneurs, tant ſpirituels, que temporels, pour ſe garantir des ſurprinſes & obvier aux fauſſetez. Il eſt plus malaiſe de contrefaire deux ſeings, & falſifier un ſeau, que d'en contrefaire un ſeulement. Le ſecretaire d'eſtat, ou de la coronne ne ſignera jamais aucunes lettres, ſi le Roy ne luy commande; & ſes lettres, qui ſuivant les Ordonnances du Roy, doivent eſtre ſignees par un ſecretaire d'eſtat, ne paſſeront point au ſeau, ſi elles ne ſont munies du ſeing du Secretaire,

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& Ordonnances, le Chancellier ne les ſe-
llera point, que premierement il n'en
ye averti le Roy, tout cela en un mot
end au ſervice du Roy: Et de le vouloir
enverſer contre le Roy, c'eſt tourner la
umiere en tenebres, convertir le feu en
glace, & mettre la terre par deſſus le ciel.
*Neither have the Letters of the Pope him-
ſelf any vertue, if they be not ſigned by the
Clerk, Secretary, or Dators; and ſealed
by the Sealer, Sealkeeper, or Chancellor:
What of all this? This order has been wiſe-
ly ſettled by all Princes and Lords as well
ſpiritual as temporal, to ſecure them againſt
ſurpriſes, and to prevent forgeries; it be-
ing more difficult to counterfeit two Sign-
ings and one Seal, than if there were but
one hand to be forged. The Secretary of
State ſhall never ſign any Letters unleſs
the King command him, and they ſhall ne-
ver come to the Seal, unleſs they be fortifi-
ed with the ſigning of the Secretary; and if
they be contrary to the Kings Will expreſſed
in his Laws, the Chancellor ſhall never ſeal
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of. All this, in a word, is for the King's service; and to count this a leſſening of the King, is to turn light into darkneſs, fire into ice, and to ſet earth above heaven.

Then for the power which the Parliament ſeems to exerciſe in approving or refuſing any publick Acts, Grants, Orders, Officers, *&c.* made by the King: This makes no Argument againſt his *Abſolute Power*, the ſame Doctor tells us; Qu'il eſt neceſſaire qu'elles ſoient ſolennellement reconues, enregiſtrees, & publieés, pour eviter les obreptions, ſubreptions, & ſurprinſes qui pourroient eſcheoir en l'impetration des lettres, des officés, & des autres; & meſmes pour vuider les oppoſitions qui peuuent eſtre formeés par ceux qui y pretendont quelque intereſt. Auquel le Roy n'entend deroger, ſi n'en eſt fait expreſſe mention dans icelles; & pour ces cauſes telles lettres ſont preſenteés ou Parlement, avant que les pourveus des Offices entrent en l'exerciſe ou iouiſſance d'iceux, & quant le Parlement juge, y avoir eu de la ſubreption & obreption ou

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de la trop grande importunité en l'impetration d'icélles, & que l'execution en ſeroit prejudiciable au ſervice du Roy & du publique, il refuſe de les enregiſtrer, & donne advis au Roy des cauſes du refus, fondeés ſur ſon ſervice, d'ont il eſt bien aiſe, encore que quelquefois il face ſemblant a l'impetrant d'icélles en eſtre marri—*That it is neceſſary they be ſolemnly approved, recorded, and publiſhed, to avoid obreptions, ſurreptions, ſurpriſes, and all the fraud and foul practiſe that might have been uſed in obtaining thoſe Letters, Offices, or other Grants; as alſo to avoid the oppoſitions of thoſe who pretend ſome right or intereſt, which the King intends not to prejudice, unleſs expreſs mention be made thereof; and for theſe cauſes ſuch Letters are preſented to the Parliament, before any who have the grant of Offices, are admitted to the exerciſe or poſſeſſion of them. And when the Parliament judges that any fraud or foul means had been practis'd, or too great importunity us'd in obtaining them, and that the execution of ſuch Grants might be prejudicial to the ſervice of the King and of the Publick,*

then does the Parliament refuse to record them, and makes the King acquainted with the causes of their refusal founded upon his service; whereat he is right glad, though sometimes to him who had the Grant, he makes a show as if he were vext.

All agree the matter of fact, but how the King is thus bound, and how this tye lyes upon him they want language soft enough for an occasion so tender: *It has always so been*, de toute l'ancienneté, says one; *antiquâ consuetudine*, says another; their Kings have always had the *wisdom* to submit to these forms, says *Baratane*: the *modesty* says *du Tillet*, the *good Nature* says *P'asquier*, *une debonnaireté*, a *goodness familiar to 'em, to reduce their wills under the civility of law*. Some call it a *magnanimity Royal and becoming a King, and a glory beyond that of conquering Nations*. *Bodin* (from the Civilians) ascribes it to their *humanity*. *Sed id tamen senatu probante fieri humanum est*, says *Theodosius*; which *Baldus* interprets, *non tam necessitatis quam humanitatis*: and to their *Majesty*; *Digna vox est Majestate regnantis legibus alligatum principem se*

profiteri;

rofiteri; to do otherwise would be a *Levity* and *Vanity*, as he cites it from the Senator in *Livy*. *Levius est & vanius sua decre- e tollere quam aliorum*: Others venture to go a little farther, they says *Paisquiere*, who under the pretence of an *Absolute Power*, would flatter the Kings to be above law. En lieu de leur gratifier dirent en un obcur languageque les Roys n'estoyent point hommes, ains lyons, qui par le moyen de leur force s'estimoyent avoir Commandment sur les hommes. *Instead of saying a grateful thing say by craft that Kings are not men but lyons, who think by their might to have the command over men.* Says *du Tillet*, Si leur puissance absolüe n'y est reglée, elle devient dissolüe: *If it be not regulated, their power is not absolute but dissolute*: And a Spanish Treatise of Politicks, with twenty approbations before it, affirms; *Bon de santa Maria.*

Si el monarca sea quien fuere, se resoluiere por sola su cabeça, sin acudir a su consejo, o contra el parecer de sus consejeros, aunque acierte en su resolution, sale de los terminos de la monarquia, y se entra en los de la tyrannia.

If

If a Monarch whoe're he be, ſhall o his own head reſolve any thing with out the advice of his Council, or con trary to the opinion of his Counſel lors, though right in his reſolution; h breaks out over the bounds of Monarch into Tyranny.

This Spaniard took his notion from that paſſage in *Livy*, where he gives a account, how *the laſt* Tarquin *was the firſ of their Kings that without adviſing wit any other than a Cabal of his Domeſticks made peace and war, made and broke League and Alliances, and govern'd all of his own head, never conſulting the Senate and Peo ple, as the cuſtom of his Predeceſſors ha always been, having firſt by practices leſſen'd the number of the Senators (that nothing but the Rump of a Senate remain'd) to make them the more contemptible.* Quo con temptior paucitate ipſâ ordo eſſet, mi nuſque per ſe nihil agi indignarentur, hic enim Regum primus traditum a priori bus morem de omnibus ſenatum conſu lendi ſolvit; domeſticis conſiliis rem publicam adminiſtravit, bellum, pacem, fœdera, ſocietates per ſe ipſe cum quibus voluit

voluit injussu populi & Senatus fecit diremitque.

But I have digressed from the French or rather from *Bodin*, who concerns us nearer; having set up for a new discoverer in Politicks: He would perswade us that *Plato*, *Aristotle*, *Polybius*, *Halicarnassaus*, *Cicero*, Sr. *Tho. Moor*, Cardinal *Contarini*, *Machiavel*, and who not, were all in a wrong way —— Et quoniam hæc disciplina maximos in republica tumultus ac perturbationes ciere potest, accuratius nobis est ac subtilius explicanda. *Their Doctrine tended to Sedition and disturbances in the Common-wealth, therefore he will handle it with the greater accuracy and subtlety:* And what will be the consequences of *Bodin*'s new learning? Certainly it must either make Monarchy short liv'd, by debauching it into Tyranny; or else it must (as Mr. *Hobbs* who sees farther, and who writes English, clears the matter) to establish this Tyranny, banish all humane Learning and fear of God out of the world.

There have been in all Nations Pens, as well as Voices, servile and mercenary;

and

and such wretches, as that by *Virgil* damn'd to Hell.

Vendidit hic auro patriam, dominumque potentem
Imposuit, leges fixit pretio atque refixit.

Who make and unmake Laws, shuffle and betray both their Laws and Reason, that they may impose this dominum potentem, *this Lordly despotick power,* to the enslaving of their Country.

But whether the love of Novelty corrupted *Bodin*, or that he knew no better I examine not: But though our English Politicians have followed him over hedge and ditch, without ever making use of their own eyes or understanding; other people do not overmuch admire him; the *Scaligerana* are too sharp upon him; but the (a) Italian does him reason, *Il* Bodino *huomo di molta lettura, ma di confusa & turbida dottrina, impugnando da per tutto quasi la politica dottrina* d'Aristotele: Bodin (says he) *a man of much reading, but confounded and blunder'd in his Notions, contradicting*

(a) *Charamonte.*

lecting Aristotle *at every turn.*

Now *Bodin* would have us believe that here can be no such thing as a *mixt Common-wealth*, nor will he allow to be any more than *three sorts* of Common-wealths. *Nam si rerumpublicarum formas bonorum ac malorum finibus, aut virtutibus ac vitiis metimur, infinitas esse comperiemus:* And a little after he says, *non quæ cuique extrinsecus accidunt intueri oportet.*

By the way we may note, that the vertues have by the most been reckon'd to be four, others have reduc'd 'em all to *Prudence*, *Sincerity*, and *Patience*; so that Common-wealths might have been distinguished by their virtues, without making such an infinite number of them; and to make several forms from their several ends, will certainly prove not so very *extrinsecal and accidental*, but a *real* and *essential* difference. So thought the *Ancients* all who writ of Politicks before *Bodin*; therefore if a *single Person* governed for the *good* of the *Publick*, that was called Monarchy; if a *few* governed for the *Publick Good*, that they called Aristocracy;

riſtocracy; if the *People* governed for the *Publick Good*, that was Democracy; and theſe were counted three ſorts of good Common-wealths. But if a *ſingle Perſon* governed for his *own particular good*, that they would not call Monarchy but Tyranny; if a *few* governed for their *particular profit*, that they would not call Ariſtocracy but Oligarchy; if the *People* governed for the *advantage* of the *Rabble*, and not for the *common benefit*, this they would not call Democracy, but Oclocracy, or the *miſrule of the Rabble*. The Greeks I ſay, who coin'd theſe words, made that the currant meaning of them.

There are Authors, who to make ſhort work, divide all Common-wealths into *Monarchy* and *Polyarchy*: Either, ſay they, *one* governs and that is Monarchy; or *more than one* (no matter whether few or many) govern, and then it is a Poliarchy. They who love the diviſion into two, might better ſay that all government is either for the Governors good, and that is Tyranny; or for the good of thoſe that are governed, and this

is

a Polity or Common-wealth. But these e *sick mens dreams*; may shew however at the *End* is more material than the *Number* of those that govern, and consequently justifies the Ancients, who distinguishing the Common-wealths from their *End*, reckoned six several kinds of mple Common-wealths, as afore has en declared. And humane Actions are distinguished; the same Action may vertuous or vitious according to the d: Give a Wench mony to debauch r, and give it her to relieve her necessies; this is charity, this a vertue, but e other is a kind of a deadly sin: 'Tis e *End* makes the difference, a difference not *accidental* and extrinsecal, as *din* suggests, but *real* and *essential*.

And as high Justice grates upon the rders of wrong and oppression, high urage is near to rashness, liberality to odigality, *&c.* so does Monarchy stand on the brinks of Tyranny, Aristocra- easily slips into Oligarchy, and De- ocracy into popular disorder: Therere the wiser Statesmen having observ'd s corruption so ordinary and familiar

to

to the ſimple Common-wealths, have by art endeavoured of the three good Common-wealths, to compound a *mixt one* that might not be ſubject to the ſame frailties and decay; to temper Monarchy and give it that balance and counterpoiſe by the mixture of the other Common-wealths with it, which might keep it ſteddy, and preſerve it from totteringe into Tyranny, which is its ruin. But all theſe matters together with the *growth*, the *decay*, and *changes* of Governments are deſcrib'd by that companion of the great *Scipio Polibius*, ſo accurately and philoſophically, that I cannot forbear to ſet down the whole paſſage, which is to this effect. That, *Man is naturally civil and diſpoſed to love company, and not* (as they would perſwade us to believe, who ſay the State of Nature is a State of War) *more a beaſt than thoſe that walk on four feet, than the Bruits themſelves that go in Flocks and Herds; and in like manner as the ſtrongeſt Bore, and the ſtrongeſt Bull is always the Captain of the reſt; ſo in the companies of men, he amongſt them who was moſt hardy to encounter dangers, and*

d most of bodily strength to overcome em, had the rest for his followers: And ence it was that so many Nations had h their Hercules, and that so many ne to be called by that name: And in se rude times these were the first sort of ings.

But by conversing together this rudeness aring off by degrees, and men by little d little coming to be somewhat more po- t, to have something of consideration, the use of their reason, and to under- nd Justice and honest dealing, and to see advantages that Prudence and a wise d had over raw uncultivated strength, not y in deciding Controversies and admini- ing Justice, but even in providing a- nst and repelling of dangers. He there- e now, who was most eminent for wisdom d justice, drew most eyes upon him, and him all ran and submitted their differ- es to his Arbitration, his advice they k, and his direction they followed on all asions either of difficulty or danger; and se were called the Wise Men, and these re the true and proper Kings.

Now the Son, who had his Education

under such a vertuous, wise Father, a
had been present with him when affairs
the greatest importance had been debate
and by common presumption better capac
tated to govern, than any of a stranger F
mily: The Son, I say, succeeds his Fath
in this Kingly Government, no man env
ing him the dignity; nor did these Kin
differ from other people in their manner
living, there was no pomp or shew, or a
badge of the Authority Royal, but the wood
Scepter which Homer *describes*, (whic
perhaps was like our Constables Staf
and with this the Authority was hand
down from Father to Son, till in tract
time some young man came in place, w
giving ear to some loose companions abo
him, would no longer be content with t
plainness and ordinary fare of his Ancesto
but gives himself over to riot and excess
setting his mind on gorgeous Apparel,
Trains and Trappings, on Feasting a
Revels: By these new modes he loses t
hearts of his Subjects, draws envy up
him; that Reverence paid to the Scepter
the hands of his Progenitors, now turns
to contempt, and he still running headlo
af

after his vain pleasures and planting pernicious courses, not heeding the duty of his place, grows a burthen to the people; and instead of being their refuge, their relief and support; rides and galls their necks, and makes their lives bitter: So that how to throw off the yoak is now their only care; and matters being thus ripe, or the young Prince with his Comerades hastening on his fate by some outrage or rape upon Wife or Daughter of some considerable Subject, some of the most eminent amongst the people conspire together and put an end to his Life and Tyranny.

And all eyes being now turn'd upon these as their deliverers, the Government and Conduct of all Affairs is committed to their charge and direction. Thus rises an Aristocracy, and thus we see Monarchy first corrupted into Tyranny, and the next change from thence in course of Nature is to an Aristocracy.

And these men eminent for wisdom and vertue satisfied with the honour of the charge and trust reposed in them, above all things studied to serve the publick; but afterwards their Sons coming to succeed, who had not

that ſtock of diſcretion and ſobriety; but degenerating or forgetting the vertue that preferred their Anceſtors, begin to Lord it over the people without other regard than of their particular luſt. And thus the Ariſtocracy being corrupted into an Oligarchy, the people are provoked by a general inſurrection to reſcue the Soveraignty out of their hands.

And now the people will neither truſt ſo great a charge with a ſingle Perſon, nor with any few, they come to their laſt only and yet untainted hope founded upon themſelves, and contriv'd a form of popular Commonwealth, and they themſelues took the publick affairs under their charge and protection; and thus was conſtituted a Democracy.

And becauſe all Governments are good and ſucceſsful at the beginning, ſo long as the men were alive, who had felt the oppreſſion and tyranny under the two former kinds of Governments, they were content and glad with their preſent condition, and liberty ſeem'd ſweet and precious to 'em above all treaſure. But this Generation being ſpent and their vertue with 'em, a new People ſucceeded, and the Laws are now trampled under

nder foot: Licentiousness, Faction, and Disorder turn all things upside down, and hey clash together so long till some one overopping the rest, all are brought under the Command of one Master; and so about again from Monarchy to Tyranny, from Tyanny to Aristocracy, from Aristocracy to Oligarchy, from Oligarchy to Democracy, rom Democracy to the Rule of the Rabble, nd thence back to Monarchy. This is the ound that all Governments run, this is the ourse, the order, and œconomy of Nature; that any turns or change of Government ay easily be foreseen.

Wise Statesmen observing these changes nd corruptions in all simple Commonealths to be so constant and certain, and nding the mischiefs that attend so frequent evolutions; they set their brains at work contrive some model of Government that ight be steddy and durable, which they saw uld not be any simple and uniform Comon-wealth: It remain'd therefore that they ixed the vertues and good properties of the ree good Common-wealths, and so temer'd them together that no room might be ft for those vices, that, like worms, breed

in the very core of all ſimple Common-wealths and deſtroy them.

They joyn'd the three States of Monarchy, Ariſtocracy, and Democracy, and wrought them together into one Body Politick.

This model of Government had the Spartans from the prudence of Lycurgus, *and the Romans were brought to it, made wiſe by dear-bought Experience:* And this is the Government that all civil Nations have affected, and from hence grows that notion of the *three States*, which we hear ſo much of in moſt Nations of *Europe*, though the meaning thereof is not every where underſtood.

This is the Doctrine of *Polybius*, and this was the general ſenſe of mankind, till *Bodin* comes forth with his new *Hereſie* in Politicks, and denies that there can be any ſuch thing as a *mixt* Common-wealth. To prove this, he rambles into a many ſtories to ſhew that a King cannot *alien* or *divide* his Soveraignty amongſt his Favourites: 'Tis queſtionleſs a truſt that cannot be aſſigned over, but all this relates to another point, and touches not

the

he *mixture* in the Original and funda-
mental conſtitution of a Common-
wealth, *Et ut Corona, ſi in partes diſtra-
cta, aut aperta fuerit, nomen omittit*; *As the
Crown would loſe its name*, he ſays, *if pull'd
in pieces.* This is common to many o-
her things, a Roſe, a Prickle, if pull'd
n pieces, would loſe their name; and
his being no particular flower of the
Crown, does not illuſtrate or make much
o the buſineſs. In another place he ſays,
*Monarchiam autem individuam eſſe opor-
ere diximus, quia ſi dividatur, Monarchia
on ſit; ea eſt enim unitatis inviolabilis na-
ura, ut omnem omnino refugiat partitio-
em; ut enim Corona —— Monarchy muſt
e indiviſible, ſuch is the nature of Unity
hat it cannot be by any means diſtributed;
s the Crown ——* which Compariſon he
gain repeats. But his Argument is no
etter, than with us, ſhould we from
he nature of the number *five* perſwade,
here cannot be ſeven or eight *Cinque
Ports*; or in *France* argue, that the Ad-
ocates Cap cannot be *ſquare*, becauſe
is called *Bonnet round*: Words are a
ort of Cloaths that are not always exact-

ly ſhaped to the Thoughts that wear them. Another Argument he would bring from a Saying in *Ariſtotle* againſt *Plato*, that *two extremes would make no good mixture: Nam ſi nihil optimum ex duobus extremis exiſtere poſſe confiteatur, quid fert tribus inter ſe confuſis?* which is as ſtrongly urged, as ſhould he ſay if *Dover* and *Calice* cannot come together, how ſhall the Sea make any intercourſe and correſpondence betwixt them?

But becauſe theſe Reaſons ſeem a little too metaphyſical, he would make the matter plain by Examples; and with ſtrange confidence ſuggeſts that neither the Spartan nor the Roman were mixt Common-wealths: And it is no wonder if he find ſome paſſages in Hiſtorians to prove them either Monarchies, Ariſtocracies, or Democracies, as he had a mind. *Plato* ſays, that *he knew not by which of theſe Names to call the Spartan*. And *Ariſtotle* to the ſame effect; and that *this ſhows the mixture to be perfect and acurate:* And *Polybius* ſpeaking of both the Spartan and Roman, tells us that

at the (a) three States had e Soveraignty so equally sha- d amongst them, that even ose who lived under the Government could t well pronounce in the main, whether the wer was in the People, in the Nobles, in the Monarchick State.

(b) Τρία μέρη τὰ κραθέντα τῆς πολιτείας.

In the Spartan, the Kings, the Senate, nd the People, by their Repreſentatives e *Ephori*; in the Roman, the Conſuls, e Senate, and the People, by their Re- reſentatives the Tribunes, made the ree States of the Common-wealth.

But that we may return to *France*, ere *Bodin* ſwaggers, and would make Capital to account that of *France* a *ixt Monarchy* as ſome had done; ho reckon'd the *Ariſtocracy* to conſiſt the *Peers*, and the *Democracy* in that ey call the *Third State*. *Machiavel* be- ev'd it a *mixt* Monarchy, and to that mper imputes all its greatneſs and du- tion. *Seiſſel* who writ expreſly on the lonarchy, affirms the ſame thing with any more that writ both before and nce *Bodin*.

He ſays there is not the leaſt ſhadow

of

of an *Ariſtocracy* in the *Peers*, ——*P*
rium qui ſic appellantur, quod inter ſe qu
dem pares ſunt, non autem principi, ut n
mis ruſtice nonnulli opinantur. *They a*
one anothers Peers, he ſays, *and not Peer*
to their Prince as ſome too clowniſhly ima
gine.

Caſar called the Army under his Com
mand, *Commilitones* or *Fellow-Soldier*
and it would have been a little blunt i
them to have called him Fellow-Soldie
again; but whoever ſhall look back i
Hiſtory to the Original of theſe *Peer*
may find that they were in the beginnin
the *Kings Peers*, though at this day th
diſtance is very plain. *Du Huillant* ſpeak
ing of *Hugh Capet*, tells us, that he ——
n'eſtant ſi grand guerrier que bien en
tendu aux affaires, caut et adviſé, il
voluit proceder par cautelles & douceur
ſi qu'ayant affaire à grand ſeigneurs
manda tous les gouuerneurs des Provin
ces de ſon royaume à ce qu'ils vinſſen
vers lui, pour le conſciller au gouuern
ment, regime & adminiſtration de ſo
nouueau eſtat, leur faiſant entendre qu
totalement il vouloit dependre de leu
conſc

nſcil & avis; voire les tenir pres da
, come ſes amis, freres, & pareils en
iſſance & Autorité;---*not being ſo*
ch a Warrier as a wiſe and wary Perſon,
would proceed ſoft and fair, ſo that ha-
ng to do with great Lords, he ſent to all
vernors of Provinces within his King-
n, that they might come to him to adviſe
ut the Government, and Adminiſtration
his new State; letting them to under-
nd that he would wholly depend on their
unſel and Advice; and keep them about
Perſon as his Friends, Brothers, and
uals in Power and Authority. He tells
further, *that ſome of the cunningeſt a-*
ngſt them, ſeeing Hugh, *from a Mayer*
the Palace to be made King, did the ſame;
ſet up for themſelves within their Go-
rnments, making themſelves Lords,
kes, and Counts Proprietors; whereas
re they had been only Governors, viz.
e Dukes Governors of Provinces, and
Counts Governors of Towns, and thoſe
les of Dukes and Counts that formerly
e given to the Governors for the time
y, became now Hereditary and deſcended
Poſterity. *Paſquiere* gives the ſame
account

account of the *Peers* at large, and t
Preſident *Fauchet* employed by *Henry* t
Third to reviſe the Antiquities of *Fran*
and who writ ſince *Bodin*, tells us: M
les urays fondateurs de l'eſtat Fronca
ont eſte ceux de la maiſon de capet; l
quels de leur gré, ou contraincts par
nobleſſe, de laiſſer en heritage, & ſa
l'hommage, les duchez & comtez aup
ravant tenus à vie (car on ne trouue poi
certainement quand & pourquoy ils
ſont faites hereditaires) amoindrire
ceſte debordeé puiſſance des ancie
Roys, de faire toutes choſes a leur app
tit, & comme ceux de Lacedemon
ceurent les Ephores, pour controlleu
de leur authorité, ceux-cy eſtablire
& aſſeurerent les plus grands ſeigneu
Ducs, Comtes & Pairs de la cour
France, pour tenir le grand Parlemen
audience & generalle Juſtice de tout
les doleances du peuple; & les Jugemen
des Seneſchauz & Baillifz, & juges in
rieurs donnes en grandes cauſes, car
commencement de ceſte derniere fam
le, il n'y avoit comte, voire ſigneur ch
ſtellain dependant nüement du Roy, q

penſaſt avoir autant de puiſſance en
erre, que ces nouueaux Roys.

But the true Founders of the French
e, were theſe of the Houſe of Capet;
of their own accord, or compell'd by the
ility, left them their Dutchies and
ties formerly held for life only in inhe-
nce ſaving the homage, (for it is not
inly known when or wherefore they were
e hereditary) and leſſened that unbrid-
power of the ancient Kings to do all
gs according to their appetite, and as
of Sparta *took the* Ephori *for Con-*
ers of their Authority, theſe ſettled and
red the greateſt Lords, Dukes, Counts,
Peers of the Court of France, *to hold*
reat Parliament, Audience, and gene-
uſtice of all the grievances of the Peo-
and appeals from the Judgments of
eneſchals, Baylies, and inferior Judges
n in great cauſes: For at the begin-
when this Family Reign'd, there was
r a Count, nor ſo much as a Lord of a
e depending barely on the King, who
ght not that he had as abſolute power
n his own Land, as theſe new Kings.
onfirm this he adds, how the Kings

Hugh

Hugh and *Robert*, writing to *Audebe* Count of *Perigueux*, to raiſe the Sie before *Tours*, and twitting him with t Demand, *who made him Count* ? Il fit difficulté de reſpondre, ce n'eſt vo Roys ; ains ceux qui vous ont fait Roy *He did not ſtick to anſwer, 'twas not Kings, but thoſe who made you Kings.*

And whoever conſiders the circu ſtances of *Hugh Capet*'s coming to t Crown, and the great power the *Pe* exerciſed till upon the occaſion of t Holy War and other practiſes they we reduc'd and brought to the Crown, m well conclude : That (*a*)

(c) *Paſquiere.* toute ancienneté en for d'Ariſtocratie conjoynte avec la Mon chie, furent introduits les douze Poi ſur leſquels nos Roys ne s'eſtans reſer que la Souueraineté & hommage, ſem que par leur conſcil (comme d'un anci Senate) ſe menaſſent les affaires. *Fr all Antiquity were introduced in the form an Ariſtocracy joyn'd to the Monarchy, twelve Peers, over whom the King reſe ing only his Soveraignty and Homage, affairs of State ſeem (as by an ancient*

n

ate) managed by their advice.

And when ſcarce the ſhadow of the ncient Peerage remain'd to them, they etain'd the *Precedence*, and had place be- ore all *Princes* of the *Blood*, till the late Ordinance, *Anno* 1576. to the con- rary.

And 'tis (*d*) ſaid there was n Order of Parliament alſo *nno* 1295. whereby it was declared hat they were called *Peers* for being one nothers *Peers*, and not the Kings *E- uals.*

(d) *Baracau.*

What *Bodin* would conclude from hoſe forms, *quia ſic nobis placuit*, and *Rex vobis dicit*, may be anſwered in the vords of Dr. *Baracaue*, where (in ano- her occaſion) he ſays, this is not like he *ſic volo, ſic jubeo*, noted by the Saty- iſt. Qu'importe-t il de dire, ainſi nous laiſt, & tel eſt noſtre plaiſir, ou dire & our cauſe, ſans exprimer la cauſe? Les Cours des Parlemens diſent en leurs ar- eſts,& pour cauſe ſans en rendre la cauſe our monſtrer la Soveranieté.

What more is it, ſays he, *to ſay we are pleaſed, and ſuch is our pleaſure; than*

to

to ſay, And for a Cauſe, without expreſſing the Cauſe? The Courts of Parliament ſay in their Orders, and for a Cauſe, without rendring any cauſe; to ſhew the Soveraignty. The Parliament, it ſeems, have their *forms* too to ſhew their Soveraignty, nor is the Argument of *Bodin* from the *form* of directing their Letters, of more force: How ſhould they write but, *Au Roy noſtre ſouuerain ſeigneur, Regi Domino noſtro ſupremo?* Is not this the ordinary civility of *Europe*? 'Tis true that when *(e)* a Poet had called *Auguſtus Cæſar, Dominus*; he ſet out a Proclamation that none might preſume to call him any more by ſo proud a Title, nor could the modeſty of his Succeſſor *Tiberius* bear it.

(e) *Suetonius.*

Yet as their Majeſty and real Greatneſs declin'd, as the Empire began to ſink, the froth and flattery came above; ſo that it was lawful to call *Domitian* both *Lord* and *God*; and his Succeſſors were not ſatisfied till complemented in the abſtract with your *Everlaſtingneſs*, your *Eternity*, your *Divinity*, *&c.* And when the wooden Eagle was ſplit in two

that

hat Chip of the Eaſtern Empire brake ut into bloſſoms to a miracle, with the *Porphyrogenitos* and *Deſpots*, were blown bout the *Sebaſtocrators*, *Panhyperſebaſti*, *Protonobiliſſimypertati*, &c.

But amongſt the Romans, theſe Titles o fierce and glorious after they had been vorn a while at Court, deſcended to the City and Country; and even came ſo ow, that *Martial* could ſay of the nighty *Dominus*,

Quod voco te dominum, noli tibi Cinna *placere,*
Sæpe etiam ſervum ſic reſaluto meum.

The French words, *Sire*, *Seigneur* and *ieur* have ran the ſame fortune; and the alling a man *Sir*, or *Monſieur*, or *Monigneur*, or *My Lord* twenty times, will ot amount to a Recognizance of any ubjection: nor can the Complement aſs any Domination or *Deſpotick* Right ver us.

If *Seigneur* and *Dominus* will not do, he word *Souverain* will not help them; eing commonly uſed in *France* for any *uperior*: as, *Soveraign* of the *Accounts*;

Soveraign of the *Treaſure*, *Soveraign* of the *Foreſts*, *Soveraign Judge*, *Soveraign Bailiff*, *&c.*

And now having ſaid ſo much concerning the direction of theſe Letters, I ſhall add nothing in anſwer to *Bodin*, touching the Subſcription: all agreeing, that where the Letter begins with *Seigneur*, of courſe, it muſt end with *Treſhumble* and *Treſobeiſſant Serviteur*.

And that their proceedings with the King are by way of Petition, is no more than is done even in *Poland*: where *Bodin* makes the Government an Ariſtocracy.

It is a Rule, *Quæ ex adulatione, vel indulgentiâ conceduntur non debent trahi in exemplum.* Beſides, of all people this is the worſt Argument with the French; who are ſo well known to affect ſoft words, and gentle forms on all occaſions poſſible. It is not their faſhion, like the Juſtice of *Aragon*, to accoſt their King with a Nos qui valemos tanto como vos, y podemos mas que vos, vos elegimos rei con eſtas é y eſtas condiciones, entra vos y nos un que manda mas

que

que vos, i. e. *We who are as good men as you, and can do more than you, chuſe you King on ſuch and ſuch conditions; there is one betwixt us and you, who commands more than you.*

The power of this Parliament, in allowing or refuſing the Acts of the King, is the ſame in effect as what we call the *Negative Voice.* And ſometimes, when the Kings would hardly be denied, the Parliament have much valued themſelves for their reſolution in oppoſing them. Thus they overcame *Lewis* the Eleventh, whoſe wilfulneſs and *Opiniâtreté* was particularly noted by Hiſtorians[a] and made him promiſe to importune them no more, nor ſend Letters to them that were not *de Commandement Royal*; which they interpret, *Juſt Commands.* As, *an volunté du Roy*, is meant, *To the Laws.* The moſt memorable inſtance that I have met with, of the Parliament's Authority in this kind, is that in *Henry* the Third's time; when he wrote to the Governor *d'Angoulmois*, to put the Town into *Monſieur*'s hands; the Governor de-

a *Paſquier.*

fires to be excuſed: the Duke *de Montpenſier* is ſent, and the Gates are ſhut againſt him; then is ſent an Herald of Arms, to declare them Rebels and Enemies, unleſs they obeyed. And at the requeſt of the Attorney General, the Parliament orders the Inhabitants to appear in perſon at a day certain; they ſend their Deputies. It was inſiſted upon, that they ſhould be heard before the Privy Council: but they demanded to be heard in Parliament. Where, when they came, it was urged that they might not be allowed Council, but ſpeak for themſelves, being charged with High Treaſon. The Deputies inſiſted that, on the contrary, they had done the King good Service; and that, for their part, they had no Charge to plead otherwiſe than by the mouth of their Advocate. Which being granted, they made choice of *Paſquier*. And the ſum of their Plea was, Que l'ancien ordre de ceſte Monarchie portoit que iamais trefue de telle importance, iamais paix n'avoit eſté executeé, qu'au prealable elle ne fuſt verifieé & emologuee en ceſte cour avecque grande maturite de conſeil que ceſte-

cyne

cyne l'ayant eſté, nous avions juſte occaſion de nous excuſer, & diſpenſer de l'ouverture que l'on demandoit. Ceſte exception eſtoit elle bonne & vallable? Quant a moy ie n'en feray jamais nul doute, voz regiſtres en font foy, l'uſage eſt tel, & la loy generale de la *France*. *i. e. That the ancient courſe of this Monarchy was ſo, that never Truce of this importance, never any Peace was executed, but that, in order thereunto, it was firſt allowed and recorded in this Court, with great maturity of Counſel. That this for the delivering up of* Angouleſme, *not being ſo recorded, we had juſt reaſon to excuſe our ſelves, and to diſpence with the opening of the Gates demanded of us. Is this Exception good and ſufficient? For my part, I ſhall never doubt it. This your Records can teſtifie, this is the Cuſtom and Common Law of* France.

The Authors that write in Latin call their Parliament, *Sacrum & Sacroſanctum ordinem, A Sacred and Divine Conſtitution*; *Quid tertium & arbitrum, A third Party, and Umpire betwixt Prince and People*: *Si tribunitiæ poteſtati, aut* Ephoris Lacedemoniis *compares non aberres*,

berres, ſays *Matherel*: *Their Power may be compared to that of the Tribunes, or the* Lacedemonian Ephori. Du Haillan, ſays they, are truly a Roman Senate, ceſt un urai Senate Romain, repreſentant une majeſty ſecourable aux bons, & eſpouuantable aux mauuais attendu qu'elles ont cognoiſſance en derniee reſort, & ſans appel non ſeulement de toutes matieres civiles & criminelles, mais auſſi de toutes lettres royaux; entre antres des graces & remiſſions, pour juger de la civilité ou incivilité d'icelles. *It is a true Roman Senate, repreſenting a Majeſty giving ſuccour to the Good, but terrible to Evil-doers; in as much as they have cognizance, and give Judgment without Appeal; not only in all Civil and Criminal Cauſes, but likewiſe of all the King's Letters: amongſt the reſt, thoſe of Graces and Pardons; to judge whether they be lawful or unlawful.* *Paſquier*, on this occaſion, tells us, *Their Parliament is not like the Pope's Officers, to judge of the Fraud or Surpriſes only, but to determine whether the King's Grants be juſt and reaſonable, or no.* and *du Hallan* affirms, Ceſte forme

forme de proceder eſt ſi ancienne en ce Royaume, qu' un Prince, quelque depravé que il ſoit, auroit honté de la rompre, comme euſſi ſes ſuiets & ſerviteurs craindroient a le lui conſeiller. *This form of proceeding is ſo ancient, that any Prince, however depraved, would be aſhamed to break it; nor would any of his Servants or Miniſters dare to adviſe him thereto.* And in another place, Sont tellement inveterees, que pas un roi n'entreprend d'y deroger, & quand il le voudroit faire, on n'obeiroit point á ſon commandement. *A practice ſo ſettled that no King would undertake to derogate from it: nor if he ſhould, would any obey his Commands.* But Quotations of this kind are endleſs.

The French reckon ſeveral Particulars wherein their King's Power is reſtrained; as that, *He cannot alter their Coin. He cannot turn out of place the Magiſtrates of the Kingdom, till their Cauſe be heard and approved in Parliament.*

He cannot pardon a Criminal without the Parliament. Regi capitalis pœnæ remittendæ, & abolendi criminis ſine parla-

menti auctoritate jus non ſit, in hoc regno Criminoſus deferens litteras remiſſionis aut abolitionis, ſiue pardonii debet incarcerari & ſuas literas offerre Parlamento, &c. Boerius deciſ. Burdegal, 65. Dont en y a ſouuent de condamnez & executez avec leurs graces. *Le Roy, p.* 376.

He cannot alien any part of his Demeans nor any part of his Kingdom.

Nor can he diſpoſe of the Succeſſion; that not being Patrimonial or Hereditary. *Sed ſola lege & conſuetudine regni*, as their Lawyers ſpeak. Or *Lege Regiâ*, according to the new Cant in *Bodin*.

Another of theſe they call Laws of the Kingdom, or Fundamentals, is their *Salick Law*, for excluding Females from the Crown.

And farther, to prove the French King a Civil King, he is not in his Great Seals repreſented as the Emperors and other Kings, in Armour, on Horſeback, or with a naked Sword in hand, like Conquerors; but he is pictured, ſitting on the Bench in a long Robe, with Juſtice in his Right Hand. *En habit de Roi Juſticier.*

In

In like manner, for the Soveraignty of e Parliament, we may obſerve, that hen all other Officers, upon the death their King, are in mourning Weeds, eſe, in the midſt of the Obſequies, ap- ear in their Robes of Scarlet; to ſhew, at though the Kings be mortal, yet the *Majeſty* of the Crown ſurvives in the arliament.

And from hence, perhaps, may be awn the true reaſon of that ſaying in *rance*, that their King is *Immortal*, and at he *never dies*. There being little ound for the ſenſe that *Bodin* would ve it from the Succeſſion; ſeeing that ſides the many interruptions by Ba- ards that have reigned, and thoſe great- Changes from the *Merovingians*, to e *Charlians*; and from the *Charlians*, *Hugh Capet*'s Line; their Kings, till of te, never computed the beginning of eir Reign from their Predeceſſors De- aſe, but only from the time of their wn Coronation. So that in *Bodin*'s nſe, it has not been from any very an- ent date that their Kings have been im- ortal.

May

May be, in imitation of the *Vestra ternitas* of the Roman Emperors, for more bashful French-man having vent red to call their King *immortal*; oth French-men, not understanding th cramp word, got it interpreted. A that the King never dies was a pret song amongst them. But in what sen this could be, all were in the dark; t at length, a cunning man arose, a made it out most plainly: as *Bodin* h done.

By what has been said, the Fren Monarchy may seem sufficiently tempe ed with a *mixture* of the other State Yet, after all, it cannot be dissemble that the *Peers* at this day are not t King's *Fellows* or *Equals*, as at their riginal Institution. Nor are these (no called) Parliaments the same thing wi the old Parliaments under the *Merovi gians* or *Charlians*; whe

(g) *carpento bubus tracto, &c.* Tritenhemius.

(g) *by the Team of Royal O en was drawn along in a W gon his hairy Majesty, to t place appointed for that August Assembl*

Then were the States called, and co sult

ted on all great occaſions. Yet theſe
re the Victorious; the *Clovis*, the
arlemain, the Kings that extended
ir Dominions over *Spain*, *Italy*, *Dal-
tia*, *Sclavonia*, *Hungary*, *Poland*, and
ought even *Germany*, with their Title
Emperor, to the French Crown.

But what if thoſe mighty Warriers
uld not call the States? that, poſſi-
, in thoſe days of Honeſty and true
icy, was a point no more thought on,
n was the Crime of Parricide by the
t Legiſlators.

In the old Hiſtorians we find there
re ſeveral names for this Aſſembly;
Conventus Statuum, *Curia*, *Placitum*,
lamentum.

The many wars occaſioned many *Par-*
, or Meetings, to treat of Peace.
m this *Parley*, or *Parlement*, as the
nch word it, theſe Aſſemblies are cal-
Parliaments.

Sometimes they were called *Curia*, or
Court: and becauſe thoſe Kings
re not ordinarily ſeen by the people,
e in this *Court*, afterwards the Phraſe
going to *Court* came to ſignifie the go-

ing

ing to the King's Palace, or place of R
ſidence.

They were alſo called *Placitum*, fr
whence *Hotoman* thinks, when the Ki
Edicts came to be writ in the Moth
tongue, the ignorance or malice of ſo
Clerks deduced that ordinary form
Car tel eſt noſtre plaiſir, for the Lat
Quia tale eſt noſtrum placitum.

And thoſe weighty Affairs, and pu
lick buſineſs, which were commonly
ſerved for this *Aſſembly* of the *States*,
be there treated on and debated, ca
afterwards, from thence, to be call
Matters of State; as alſo, the Phraſe
ſitting in *State*, and the *Chair of St*
from the *Golden Throne* on which t
Kings were placed in theſe Aſſemblie

But when *Hugh Capet* aſcended t
Throne, new meaſures and new Polic
came in play. He was no Fighter, n
cared for enlarging of Territories; b
had a notable head for King-craft, a
ſought on the beſt terms to ſettle t
Crown in his Family. To that end, t
Biſhop of *Laon*, (who had betrayed i
his hands the King and Royal Fami
f

d thither for ſhelter) and the other
hops and great Lords, that had done,
might do him good Offices, were ta-
n in to be his Peers, and ſhare with
n in the Adminiſtration of the Go-
rnment.

Now, by this new Model, the Ari-
cracy, or *Nobles*, gain'd very much.
t a great blow was given by this inno-
ion to the *Democratical* or *Popular*
te. For theſe *Peers*, beſides their par-
ular intereſt in the Nation, were in ap-
rance a competent Council for the
nagement of all the extraordinary bu-
eſs and *Affairs* of *State*, whereby the
rliament was not ſo neceſſary as for-
rly. And *Capet* finding in the people
hanckering ſtill for the old Race of
arlemane, was well content to be diſ-
nced withal from calling that Aſſem-
; ſave that for ſecuring the Succeſſi-
he was fain to keep them in humour,
that he had prevailed with them in
life time to Crown his Son *Robert*
ng.

The ſame jealouſie cauſed *Robert* in
life time, to do the like for his Son,

Henry

Henry the firſt. And *Henry* alſo, for h
Son *Philip* the firſt. And now one mig
have thought the Succeſſion fixed. Y
Philip dying without having made t
ſame Proviſion for his Son *Lewis* t
Groſs, *Lewis* was put to his ſhifts to g
crowned: and was fain to take up wi
a kind of an unuſual Biſhop, to do t
job for him in hugger mugger.

Whereupon, he grown wiſe, du
not truſt the States for his Son *Lewis* t
Young; but put him in poſſeſſion of t
Throne e'er he left the World. A
this *Lewis* did as much for his Son *Phi*
the Second. Till now, after ſome hu
dreds of Years diſcontinuance, all *E*
ction-right was pretty well forgott
This however, ſet the Court a fenci
againſt the States; and the Court thoug
it ſelf better at eaſe without them.

Nor was this concerning the Succe
on the only Tye upon the Kings to con
nue a good underſtanding with the Stat
but the Peers were often at variance wi
the King, and put him hard to it. And
theſe diſtempers in the Kingdom no
medy was found effectual but an heal
P

arliament. Theſe were the Umpire be-
vixt King and Peers; and generally de-
ded in favour of the Crown.

By which partial Arbitrements, and
y the advantages made of the Holy
Var, when the Peers Adventurers died
the Expedition; ſome without Heirs,
me without other than Females, or
ales under Age. So that the *Pairyes*
Eſcheat, by the *Salick* Law, or by
e way of Guardianſhip, came to the
rown.

By which means, the Power of the
eers being at an end, and the Equality
oken, there remained no farther occa-
n for Arbitrations, and the ſacred Au-
ority of Parliament quite vaniſhed.

So that now, without much danger,
e Experiments might be improved,
d new projects of Government ſet on
ot. Accordingly, the old Parliament
to be laid aſide; and in their room, a
ect knot of men to have the *States bu-
eſs* committed to their Truſt and Con-
ct.

And theſe, for their better counte-
nce, muſt be called a Parliament alſo.

What-

whatever Power and Authority had bee
exerciſed by the States, is now uſurpe
by this young Senate; and preſently
new Houſe is built for them, and the
are fixed at *Paris*. Where, after a litt
while, they became ſo overlayed wi
buſineſs, that one Parliament was n
ſufficient; but two were conſtituted f
the better Expedition.

And indeed, having opened the do
for all Civil Cauſes to come before the
it was neceſſary to draw out from the
Parliaments a Detachment for State-A
fairs: and theſe had the name of t
Cloſe, *Privy*, or *Great Council*. When
by this Parliament in a little time deg
nerated to a mere Court of Judicatur
as afterwards that Privy Council,
permitting Cauſes to be heard befo
them, gave occaſion for the buſineſs
State to be removed to a particular C
bal.

But this Parliament I ſay, b
ing a new Creature, was toſſed, a
turned into a thouſand ſeveral Shap
and Figures, e'er it came to any dura
Conſiſtence. One while it was to
ha

lf yearly, another while without diſ-
ntinuance; then half of it the one half
ar, and the other half Parliament the
her half year; to the end, that what
e King's Miniſters could not get to paſs
th the one, might be carried in the o-
er: thus rendring the Authority of the
urt (*h*) *A Demy-illuſoire*,
a manner Illuſory,

(h) *Paſquier. Reſ.*

But upon the Pope's com-
g to ſettle his Court at *Avignon*, theſe
novations and abuſes fell in like a tor-
nt, both upon church and State.

Not long before, the Kings, as St.
wis, under a ſhady Tree, in perſon,
ard all appeals, and determined the
uſes of their Subjects, and were them-
ves the *Chief Juſtices*.

Now the Canoniſts ſo infected the
tion with their tricks and ſubterfuges,
ir Quillets and Chicanery, and ſet
h an itch of wrangling and vexatiouſ-
s amongſt them, that Courts could
be erected faſt enough for them;
in a ſhort time, a third part of the
ple, one way or other, got thereby
Employment.

A few years before, this King, *Philip* the *Fair*, had been excommunicated his Subjects freed from their Obedience and his Kingdom given away to the Emperor, by *Boniface*. Yet now *Clement* the fifth and he so well agreed, upon his coming to *Avignon*, that, as my Author says, *Fraternisans en conseils*, colloguing together, they not only made good booty of the *Templars*, destroying them by consent, for no greater quarrel, as supposed, than their Riches. But the Pope gave leave to the King to levy a tenth upon all the Clergy; and the King, in exchange, was to connive at the Pope's *Apostolick Indults*, *Graces Expectatives*, *Tenths*, *First Fruits*, *Procurations*, *Mandates*, *monitorials*, *Executorials* and *Laudable Customs*.

These inventions and wit of the Ministers at *Avignon* raised an Emulation in those at *Paris*, and they wondered to find in words so strong a Charm, that the Pope thereby could work such wonders, and ride over all the Fences of Reason, Law and Custom; and that for those strange feats, the *de proprio motu*, and

Aut

uthoritate abſolutâ were all-ſufficient.
Whereupon the Courtiers at *Paris*
ll alſo arm the King's Letters with
eſe new Spells, and ſend them out up-
adventures. But however *Canonical*
d currant they had proved with the
urch-men, to the *Lay-people*, this *de*
oprio motu, and *Authoritate abſolutâ*,
re uncouth Phraſe, and *Barbarous La-*
, which they could no where meet
h in *Claſſical* Authors, nor underſtand.
Wherefore, when about theſe times,
on occaſions for mony, the *Layety* were
ed with *Impoſitions* and Tallages, the
dredth penny, and the *fiftieth penny*;
n with *Fortification money*, *Equiva-*
s and *Loans*; then with yet the more
eadling terms of *Aids*, *Subſidies* and
ventions, ſo it happened, that, let
Impoſers call them what they would,
people had one name for them all;
crying out a *Mulctoult*, knock'd the
llectors on the head, with as little
uple as ordinary Robbers.
All the great Wars of former days,
der the *Merovingians* and *Charlians*,
for a long time under the *Capets*, had

been maintained at the King's prope
Charges: ſo frugal had been their wa
of living, and the Demean of the Crow
ſo large.

But now was no ſubſiſting witho
Levies upon the people; and theſe wer
ſtubborn and unwilling to be impoſe
upon, when no Law or Cuſtom could
ſhewn to oblige them.

This plunge raiſed again from t
dead the old-faſhioned *Parliame*
And in one of their firſt Aſſemblies,
was by all declared, that no Impoſiti
could be laid upon the people witho
their conſent. Wherefore it being the
part, they took care to relieve the nec
ſities of the Crown. And on this a
count there was occaſion to aſſemb
them ſeveral times.

But theſe were not now to be call
the *Parliament*, but the Aſſembly of t
States; nor yet to meddle with *St*
Affairs; thoſe weighty matters bei
now *Parliament-buſineſs*: and there
another Parliament in *Ordinary* for t
purpoſe.

So it is not intended theſe ſho
trou

rouble their heads, unleſs asked, with ther conſiderations; than only in order o the laying ſome Tax on the people. Yet the old *Anceſtrel Vertue* would now nd then be boyling up in the breaſts of heſe *States*; and they be fancying themelves as full of Power and Soveraign uthority as the old Aſſemblies ſo famed Hiſtory. But the *Doleances*, the Grieances were not to be inſiſted on, when nce the Mony-Affair was adjuſted: ſo ey were ſtill ſent home, till need for aother Tax. But, what was yet more rievous, proviſion was made that the mpoſts ſhould be at an end after a cerin time: but when the Collector's and was once in, they gathered on, in much that what was deſigned for *emporary*, became *Perpetual*.

To prevent which miſchief, the States, the Reign of *Charles* the Fifth, now andantly wiſe, granting a Tax, ordain that none of the King's Officers ould finger the mony: and the King as ſworn ſolemnly, that he would not uſe any of it to be employed to other es than the War it was given for.

The *Commissioners*, *Assessors*, *Collectors*, *Receivers* were all *chosen* by the *States* and sworn upon the holy Evangelists not to convert it to other ways, a Command from the King notwithstanding. And if any Officer from the K should attempt to force them, then th to call the *Posse* of their Neighbours help them to make resistance. Yet find not that all this swearing and cau on stood them much in stead, the T was continued, and the *Commissioners* that from their being chosen by t people, were called *Esleus*, retain t name of *Esleus* to this day.

Unless upon these occasions for mon the Court at *Paris* shewed less and l disposed to convene this Assembly; ha ing possibly learnt that sort of policy a from *Avignon*: where nothing beg to sound so harsh to their ears, as t talk of calling a *General Council*.

However, that their Authority on t account of State Affairs might not gr quite obsolete and forgotten, upon so great Exigencies, when it could not w be avoided, they have been summon

and have exercised their old Soveraignty, even in these days.

As when under *Philip* the *Fair*, and *Charles* the Sixth, they condemned and cast off the two Popes; *Boniface* the Eighth, and *Benedict* the Thirteenth. And when they decided betwixt *Edward* the Third of *England*, and *Philip Valois*, to whether of them belonged the Right of Succession to the Crown of *France*, when they topt upon us with their *Salick Law*. And when King *John* of *France* was taken Prisoner, and carried into *England*. When *Francis* the First would have alien'd part of his Dominions, *&c.*

Lewis the Eleventh was so averse from calling this Assembly, he would not be perswaded to it, till a Civil War (which was called, *The War for the Publick Good*) obliged him. And (i) *Comines* tells us, that some Courtiers would have made it High Treason to mention the Calling of them. But *Comines* was not of their humour; he, against the Vogue of his Fellow Courtiers declared, that

(i) *Hist. l. 5. ca.* 18.

no Prince could take a Farthing from ny Subject without their consent: a that *England*, by reason of the freque Parliaments, was the best governed N tion in the World.

In short, The *Gauls*, as *Cæsar*'s Co mentaries teach us, had their *Toti Galliæ Concilium*; which, after the *P nionion* and *Panætolion* of the Greek *Budæus* would have called *Panceltico* as from them; *Camden* that of the E glish, *Pananglicon*.

Whether the French coming to sett amongst the Gauls, to render themselv more easie to them, chose to gove them in their own way; or that th also brought along with them from *G many* this Model, it appears not. Th is certain, the Kings of the two form Lines did, *bonâ fide*, govern with t advice and direction of that great Co cil in all things.

Hugh Capet by his Constitution of t *Peers*, made the Authority of that an ent Assembly in a manner useless, unl by accident, that it served to balan and be the Umpire betwixt the Kin a

d their *Peers*. But then the *Peers* ming to be reduced, the Court of *Rome Avignon* taught the Courtiers at *Paris* w Forms and new Politicks: And Geral Councils being run down, and ade out of fashion in the Church, the ate must sympathize with it; and af- some mouldings, and some little adess, is brought also to walk on the same igh Ropes, without that counterise which was wont to preserve it sted- and secure. The old name of Parment remains, but no longer to be reted fundamental and essential to the ommonwealth; only a prudent Contution. And it was now from the isdom, or else the *debonnaireté* of succeding Princes, that they always subitted their Wills and Edicts to be exained, and approved or rejected by that ssembly.

And now our Writers of the times are r maintaining that the Government as never otherwise, but the King's ower always absolute and unlimited. Which need be no wonder, since the me Gentlemen affirm the *Merovingi-*

ans,

ans, *Charlians* and *Capets*, to be all
Branches from the same Stock, aga
the concurrent Authority of so m
hundred Years; and when in truth
pet was not so much as of French Ext
ction, but descended from *Witich*
the Saxon.

But it was not conceivable how t
Absolute Powers, as that of the Chu
and State could agree together in
same place; therefore a check was fou
for that of the Pope: for upon any cla
ing of Interests, the Parliament and
University did always manfully opp
the Pope's Encroachments, and as
the Liberties of the *Gallicane* Chur
In so much that *Pasquier* on this occas
resembles the *Sorbon* to the Tribune
old *Rome*.

And yet so long as the temporal Pri
should assume an absolute Power,
Papal interest would be certain to pre
in the end. A mixt Monarchy is a
lance to it self, and needs no Fore
Authority to interpose: but under
unlimited Power, where the Princ
accountable to none but God, whit
sho

hould the diſcontented fly? whither hould the oppreſſed reſort, but to God's gents and Plenipotentiaries; to God's icar, the Pope his Apoſtolick Majeſty, or Redreſs? He can curſe and throw out his Thunder, and free the Subcts from their Obedience, *&c.*

And in this the Pope has the better nd of the ſtaff; for by ſetting the temoral Princes above all the ties of Huane Policy, and Civil Prudence, he ot only withdraws their Subjects from em, but even makes their temporal overaignty truckle to his Spiritual: for e Soul and Eternity are of more conquence and value than any man's morl body. And whenever a Conteſt ppens, the Spirituals are ſure to have e upper hand.

When the Jeſuits came in with their *ca obedientia*, that other *barbarous* hraſe to enſlave the World withal; ey intended their Doctrine for the ope's ſervice only; for at the ſame time ey reproached ſuch of the Roman Reion as ſcrupled to own that the Pope d power to give away the Kingdom of

France,

France, or any other Kingdom at pleaſure: and called them all Calviniſts, who could not be thorough paced Jeſuits.

But, to be even with them, and to avoid all ſtrife betwixt the Spiritual Abſolute, and the Temporal Abſolute Power, *Hobs* takes the only true politick Meaſures. He, for quietneſs ſake, thruſts the whole Nation of Spiritual Beings out of the World: and that the Soveraignty might be indiviſible indeed, he allows not ſo much as *Diviſum imperium cum* Jove —— no, not that *Jove* himſelf ſhould rival his *Leviathan*.

He founds his Politicks upon his Phiſicks; therefore, in the firſt place, we are to believe that there is nothing in the Univerſe but *meer Body*; neither are we to think, to reaſon or to fancy ought of a future State, of Souls to be ſaved, nor to have the fear of God before our eyes; for then (as he calls it) we ſhall be *frighted with Spirits into Rebellion*.

And that we may not be inclined to theſe vain imaginations, he fairly preſcribes, that the people may not be ſuffered

fered to read (he names not *Calvin* and *Beza*, but) *Ariſtotle*, *Plato*, *Seneca*, *Cicero*; nor the Greek and Latin Hiſtories; nay, all Greek and Latin are peſtilent and dangerons: and thus the Univerſities are the *very Core of Rebellion.*

Nor is this any Paradox, or ſally of his particular wit; 'tis what *Machiavil*, and before them *Ariſtotle* had taught us, that to preſerve an Abſolute Power, all publick Schools muſt of neceſſity be put down. Thus we ſee how much the Papal Tyranny is ſupported by their Inquiſition. Thus in *Turky* are Letters diſcountenanced. And in *Moſcovy* it ſuffices, that God and the great Duke have all the knowledge to themſelves.

And it is not enough that the people be no wiſer, but they muſt not be permitted to be ſo good-natured as Cattel that Herd together. Their Morals muſt be corrupted, and their courſe of Honeſty and fair dealing muſt be broken, leſt it might produce a mutual truſt and correſpondence amongſt them; which in the end would be pernicious to the Commonwealth.

'Tis

'Tis agreed also, that Courage is not a vertue for Subjects, under this sort of Government; (*k*) *The less they dare, the better it is, both for the Commonwealth, and for themselves.* Thus the Persians were qualified for the better Subjects, when an hundred *Freeholders* of *Greece* were wont to beat ten thousand of them.

(k) *Hobs.*

Plato had the notion of making a Government happy by a King-Philosopher; and *Hobs* certainly (for these parts of *Europe*) pursues an *Idea* as unpracticable: endeavouring to make the Subjects all Asses.

Some, for want of better Topicks, draw an Argument from Antiquity, that Monarchs were absolute before they were limited. But the same reason will hold likewise against all Laws; for in those days that Kings were without Limits, the Subjects were without Laws, till Experience and Evil Manners taught the World by Civil Prudence and Art, to preserve nature in its primitive perfection and integrity.

Some would set Monarchs above all humane

humane caution and policy, by vertue of ſome Expreſſions in old Poets: as in *Callimachus*, that *Kings are from* Jupiter; ἐκ Διὸς βασιλῆες. Which may be anſwered by that of *Aratus*, cited by St. *Paul*, ἀὐτὰρ καὶ γένος ἐσμέν. *We alſo are his Off-ſpring.*

Homer tells us that *Jupiter* gave *Agamemnon the Sceptre and the Laws.* But *Homer* may be interpreted by *Homer.* When firſt he had occaſion to mention that Sceptre, he explains the matter thus: ſays he, Vulcan, *as a curious piece of his Workmanſhip, gave this Sceptre to* Jupiter. Jupiter *gave it* (as Kings give a white Staff to a Treaſurer or Chamberlain) *to* Mercury. Mercury *gave it to* Pelops. Then Pelops *left it in ſucceſſion to* Thyeſtes. Thyeſtes *left it to* Atreus; *and* Atreus *left it to* Agamemnon. So we find a thing may be ſaid to be given in ſeveral ſenſes.

For the Laws that accompanied the Sceptre, *Hom.* tells not whether he meant the Legiſlation, or the Execution of the Laws; but *Ariſtotle* may inform us, that when *Agamemnon* aſſumes to himſelf a-

ny

ny abſolute Power, he ſpeaks as a General in the Field, and not as King of *Lacedæmon.*

Others there be, who having ſtumbled on ſome Metaphor, or Poetical Simile, where God and the King are compared together, think it may as well hold good in Politicks; and never leave ſtraining, till they drive it thorough all the incommunicable Attributes; nor is there any end to their Frenzy. Some of the Emperors have checked their Flatterers with that Verſe in *Homer.*

Οὐτις τοι Θεός εἰμι, τι μ' ἀθανάτοισιν ἐίκτεις;

I am no God, why doſt thou liken me to the Immortal.

But of the two (ſay theſe Antipolititians) an abſolute Monarch is more like to God than a limited.

Which might be true, if Goodneſs did as neceſſarily accompany their Greatneſs. The Heathens, in their Notion of God, placed Goodneſs before Greatneſs, *optimus maximus.* Now the buſineſs

buſineſs of Policy is to *tack* Goodneſs to Power; it gives a Monarch the power to do all the good whereof his nature is capable. But theſe are not content, unleſs he had the power likewiſe of doing evil; which is to be unlike God, and which power cannot be affirmed of God without Blaſphemy. *Lucifer*, and thoſe other unhappy Angels had that power, and ſunk beneath the burthen: Is there more perfection of Nature in an earthly Monarch? or is there ſome promiſe, or propheſie to ſupport him under the weight, that he ſhall not thereby plunge downright into Tyranny, and ſo loſe that bright and Godlike reſemblance, which diſtinguiſhed him from other men? In effect, by making a Monarch unlimited, inſtead of Deifying, they make him a Devil.

For the Texts of Holy Scripture ſo often applied on theſe occaſions, few that are ingenuous can urge them; and few that have ſenſe, but diſcern the Sophiſtry and abuſe. One may there find the *Tribe* of *Judah*, but not a word of the *Merovingians* or *Charlians*. And if there were

ſome temporal Monarchy to be eſtabliſhed from Scripture, the Pope moſt certainly would have it all. It was Chriſt that ſaid, *To me is given all the power in heaven and upon earth.* And who can make out their pretenſions from Chriſt, by ſuch a long Chain of Succeſſion, but the Pope? What though Chriſt ſaid, *My Kingdom is not of this world*; by *is not*, is meant, *is not* yet; that is, *not* till *Conſtantine*'s time: and then comes the Pope into full poſſeſſion of all, both Spiritual and Temporal Dominion. It was not ſaid, *Cum hâc Petrâ*, but *Super hanc Petram.*—— But leaving theſe *hocus-pocus* Arguments to the Jeſuits, it may only be here remembred what long ago *Demoſthenes* obſerved concerning *Philip* of *Macedon*; that, to ſerve a turn, the Roguie Prieſts made, even the Oracles φιλιππίζειν, *to Philippize.*

But indeed, this *Divine Right* may be a *Hercules* amongſt the Jeſuits, when backed with the Inquiſition. And we may allow Monarchs to be Gods, for want of better, in *Hobs*'s State of Ignorance and Atheiſm. As in *Aſia*, *Alexander*

der paſſed well enough for the Son of *Jupiter Hammon.*

The *Politicks* of *France* ſay, that *The French Government has nothing of the Barbarian or Deſpotick in it; but is of that kind which is called Oeconomick, where the King has an Abſolute Power in his State, as a Father has in his Family.* Which Notion is very much in vogue of late; but how they find this Abſolute Power in a Family, is not eaſily to be imagined: take the moſt ſimple Family, as *Heſiod* deſcribes it; a *Man*, and his *Wife*, with the *Oxe*, their faithful Servant; yet it is a ſort of mix'd Government: there is ſenſibly an Ariſtocracy in it; the Wife is the Man's Fellow, his Peer, his Mate, his Conſort, in all Civilized Nations; and ſhares the Government ſo far as capable by her Education: ſometimes has more than her ſhare; and then it is called *Gynæcocracy*, or Woman's Rule. Amongſt the *Barbarians* indeed, as well in *Ariſtotles* time, as now, the Wives were in the nature of Servants, but nothing there is to be called Oeconomy; but all Barbarity.

Beſides, in this caſe, there is ſuch a thing as a Divorce, which may ſet the woman on her own legs again, and ſo the good man be depoſed, if he chance to be impotent, and cannot anſwer the ends of Marriage. And yet Marriage is of *Divine Right*.

Neither needed the Law-makers in all Ages have taken care to encourage young men to Matrimony, if ſuch a goodly Dominion were to be got by it.

Then upon the Account of Children, *Bodin* indeed would not ſtick, even, with old *Saturn*, to eat his Off-ſpring; but in this horrid Doctrine few, I hope, are his followers. *Poteſtas patria debet in pietate, non in atrocitate conſiſtere*, ſay the Civilians.

Moſes compares the Office of a King to that of Parents; not by reaſon of any Abſolute Power, but of the Charge. *(a) Why layeſt thou* (ſays he to God Almighty) *the burden of all this people upon me? have I conceived all this people? have I begotten them?*

(a) *Numb. cap.* 11.

Thus have I anſwered whatever I could

could judge has by any body been materially urged for this African Monſter, this *Demigorgon* of *Abſolute Power*. Which ſeems plainly inconſiſtent with either Nature or Policy, Reaſon or Religion, Civility or Humanity. And it is not without good ground that its Champions deſpair it ever ſhould obtain with us, ſo long as Greek and Latin, and the Claſſick *Authors* paſs free from the Inquiſition: or till ſuch time as the *Great Turk* indeed threatens us from the Neighbour-ſhoar; or ſome new *Tamberlane*, with an Inundation of Barbariſm overwhelms us.

But to entangle the matter, and make the notion of mixt Monarchy ſeem, as it were, a little abſurd; theſe Aſſertors of *Abſolute Power*, with much ignorance, or much ſophiſtry, ſo contrive to divide the Soveraignty, that each ſhare does in effect imply the whole: whenas there may be found ſeveral ways without any of that pretended difficulty. *Bodin* grants that the Conſtitution may be Monarchical, and the Adminiſtration Ariſtocraticalor Popualr. Which goes very

far towards the overthrowing of all his Syſteme; and, certainly, is a contradiction of what he ſo laboured to maintain: for this was always accounted a dividing of the Soveraignty.

Thus in the Roman Commonwealth, the *Power* was in the People, and the *Execution* in the Conſuls (which Office of the Conſuls, *Polybius* calls βασίλικον καὶ μοναρχικον, *Kingly and Monarchical*) add to theſe the *Authority* of the Senate, and then we have the ſeveral Powers of the *Three States* in the Roman Commonwealth; The People *commanded*, the Senate *conſented*, and the Conſuls *executed*.

In like manner, where Monarchy is predominant, after the Modern Style, the People may be ſaid to deſire or petition, the Nobles to conſent, the King to have the Conduct and Command of the Executive Power. Shall not then the Monarch have his Elbows at liberty, but ſit idle till the People and Lords, with their Deſires and Conſents, have concerted matters for him? No ſuch reſtraint follows; all the Laws and Cuſtoms of a Nation are qualified with the deſire of

the

the People, and consent of the Nobles' and all the ordinary Power requisite for the good and support of the Government is also implicitely so qualified at the Monarchs discretion, till something in particular appear expresly to the contrary. Upon this Account the French say that, *Mandement Royal, & Volunte du Roy*; *The King's Commands, and the King's Will*, are not his Personal Will, and his Personal Commands; but those that accord to Justice, and to the Laws: of which (that remnant of the Peers and Popular State) the Parliament are Judges. Therefore his Will & Commands come always before them to be examined, and there to be emologated and approved e'er they take effect.

FINIS.